



**ASSEMBLY AMENDMENT 5,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 649**

April 21, 2010 – Offered by Representatives Huebsch, Montgomery and Gunderson.

\*\*\* AUTHORS SUBJECT TO CHANGE \*\*\*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 4, line 20: delete the material beginning with “energy” and ending with
- 3 “programs;” on line 21.
- 4 **2.** Page 6, line 11: delete lines 11 to 13 and substitute:
- 5 “16.75 **(12)** (a) 4. “Renewable resource” has the meaning given in s. 196.378 (1)
- 6 ~~(h) 1. or 2. and includes a resource, as defined in s. 196.378 (1) (j), that derives~~
- 7 ~~electricity from hydroelectric power~~ (1r) (h).”.
- 8 **3.** Page 8, line 16: delete “196.374 (1) (am)” and substitute “196.378 (1r) (ar)”.
- 9 **4.** Page 12, line 16: delete lines 16 to 21.
- 10 **5.** Page 17, line 19: delete lines 19 and 20 and substitute:
- 11 “77.54 **(30)** (a) 1m. Biomass, as defined in s. 196.378 (1) (1r) (ar), that is used
- 12 for fuel sold for residential use.”.

1           **6.** Page 17, line 22: delete lines 22 to 24 and substitute:

2           “79.005 **(1b)** “Alternative energy resource” means a renewable resource, as  
3 defined in s. 196.378 (1) (1r) (h); garbage, as defined in s. 289.01 (9); or  
4 nonvegetation–based industrial, commercial, or household waste.”.

5           **7.** Page 28, line 14: delete that line and substitute:

6           “(b) “Biomass” has the meaning given in s. 196.378 (1r) (ar).”.

7           **8.** Page 39, line 8: delete the material beginning with that line and ending with  
8 page 40, line 19.

9           **9.** Page 41, line 2: delete the material beginning with “This subdivision” and  
10 ending with “196.374.” on line 3.

11           **10.** Page 42, line 3: delete lines 3 to 7.

12           **11.** Page 42, line 14: delete the material beginning with that line and ending  
13 with page 73, line 10.

14           **12.** Page 74, line 2: delete “has the meaning given in s. 196.374 (1) (am)” and  
15 substitute “means plant material, including wood, or residue; biological waste;  
16 biogas; or landfill gases. “Biomass” does not include garbage, as defined in s. 289.01  
17 (9), or nonbiological industrial, nonbiological commercial, or nonbiological household  
18 waste”.

19           **13.** Page 75, line 3: delete lines 3 to 7 and substitute:

20           “**SECTION 173b.** 196.378 (1) (h) (intro.) of the statutes is renumbered 196.378  
21 (1r) (h) (intro.) and amended to read:

22           196.378 **(1r)** (h) (intro.) “Renewable resource” means any of the following: a  
23 resource that derives energy from any source other than coal, petroleum products,

nuclear power, natural gas, or nonbiological industrial, nonbiological commercial, or nonbiological household waste. “Renewable resource” includes resources deriving energy from any of the following:

**SECTION 173e.** 196.378 (1) (h) 1. a. of the statutes is renumbered 196.378 (1r) (h) 7. and amended to read:

196.378 (1r) (h) 7. ~~A fuel~~ Fuel cell technology that uses, as determined by the commission, a renewable fuel.

**SECTION 173h.** 196.378 (1) (h) 1. b. of the statutes is renumbered 196.378 (1r) (h) 6.

**SECTION 173L** 196.378 (1) (h) 1. c. of the statutes is renumbered 196.378 (1r) (h) 2m. and amended to read:

196.378 (1r) (h) 2m. ~~Solar thermal electric or photovoltaic~~ energy.

**SECTION 173o.** 196.378 (1) (h) 1. d. of the statutes is renumbered 196.378 (1r) (h) 3g.

**SECTION 173r.** 196.378 (1) (h) 1. e. of the statutes is renumbered 196.378 (1r) (h) 5.

**SECTION 173u.** 196.378 (1) (h) 1. g. of the statutes is renumbered 196.378 (1r) (h) 4.

**SECTION 173w.** 196.378 (1) (h) 1m. and 2. of the statutes are repealed.”.

**14.** Page 90, line 21: delete lines 21 to 23 and substitute:

“3. “Supplemental utility program” means a program under s. 196.374 (2) (b)

2.

4. “Utility-administered program” means a program under s. 196.374 (2) (b)

1.”.

1           **15.** Page 107, line 4: delete lines 4 to 13 and substitute:

2           “196.493 **(3)** REGISTER PUBLICATION. (a) The commission shall determine the  
3           effective dates of all rules promulgated by the commission, and all orders issued by  
4           the commission, that are necessary to initially implement the changes to s. 196.378  
5           by 2009 Wisconsin Act .... (this act), and other related statutory changes made by that  
6           act.”.

7           **16.** Page 108, line 17: delete lines 17 to 22 and substitute:

8           “196.65 **(1g)** In this section, “public utility” includes the owner or operator of  
9           a nuclear power plant, as defined in s. 196.491 (1) (j), for which the commission has  
10          issued a certificate of public convenience and necessity under s. 196.491 (3) on or  
11          after the date specified in the notice published under s. 196.493 (3) (b).”.

12          **17.** Page 109, line 5: delete lines 5 to 11 and substitute:

13          “196.66 **(1g)** DEFINITION. In this section, “public utility” includes the owner or  
14          operator of a nuclear power plant, as defined in s. 196.491 (1) (j), for which the  
15          commission has issued a certificate of public convenience and necessity under s.  
16          196.491 (3) on or after the date specified in the notice published under s. 196.493 (3)  
17          (b).”.

18          **18.** Page 111, line 18: delete lines 18 to 22.

19          **19.** Page 115, line 13: delete “196.374 (1) (j)” and substitute “196.378 (1r) (h)”.

20          **20.** Page 116, line 9: delete the material beginning with that line and ending  
21          with page 117, line 5.

22          **21.** Page 125, line 17: delete “196.374 (1) (am)” and substitute “196.378 (1r)  
23          (ar)”.

